

**LOCAL BANKRUPTCY RULES OF PROCEDURE
FOR THE
UNITED STATES BANKRUPTCY COURT
IN THE DISTRICT OF IDAHO**

Effective Date: January 1, 2007~~6~~

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LOCAL BANKRUPTCY RULE 1002.1 PETITIONS

~~(a) Number of Copies.~~

~~In addition to the original, the following number of copies shall accompany each petition, schedules, and statement of affairs:~~

Chapter 7	2 copies
Chapter 9	2 copies
Chapter 11	4 copies
Chapter 11 (Railroad Reorganization)	6 copies
Chapter 12	2 copies
Chapter 13	2 copies

(a) Petitions

All petitions shall be submitted in Electronic Case Filing, (hereinafter “ECF”) unless otherwise ordered by the court or exempted by ECF Procedures.

~~(b) Number of Plans.~~

~~(1) In reorganization cases, in addition to the original (or any amended) plan, the following numbers of copies are required for filing with the clerk:~~

Chapter 9	1 copy
Chapter 12	1 copy
Chapter 13	1 copy

~~If the chapter 13 plan is not filed with the petition, The debtor shall be responsible for service of the chapter 13 plan, and providing proof of service thereof, as required by LBR 2002.3; however, the original and the required number of copies set forth in subdivision (b)(1) of this rule shall still be filed.~~

(b) Caption of Petitions and Identity of Debtors

In regard to all cases filed under §§ 301 and 302 of the Code, the caption of such cases shall be in the following style:

- (1) If the debtor is an individual, not filing a joint petition with his/her spouse: "John A. Doe" or "Doe, John A."
- (2) If the debtor is an individual filing a joint petition with his/her spouse: "John A. Doe and Mary A. Doe" or "Doe, John A. and Doe, Mary A."

- (3) If the debtor is a general [or limited] partnership: "Name of entity, a general [limited] partnership."
- (4) If the debtor is a corporation: "Name of entity, a corporation" (unless the word "Inc.," "Incorporated" or "Corporation" is a part of the name).
- (5) If the debtor is a limited liability company or similar entity: "Name of entity, a Limited Liability Company," or "L.L.C." or similar designations.

(cđ) Petition Filed by a Corporation, Partnership, or Other Entity

Although a corporation, a general partnership, limited partnership, limited liability company or other entity may file a voluntary petition, it must be executed by an authorized corporate officer, general partner, or designated manager. Further, an attorney shall represent these entities, and such attorney shall also sign the petition.

Related Authority:

11 U.S.C. §§ 101(9), 109, 301, 302
Fed. R. Bankr. P. 1002, 1004, 1005, 1006(a), 1007 and 9011(f)

Advisory Committee Notes:

ECF is defined in this Rule and that abbreviation is used throughout the balance of the Rules.

This rule attempts to address the problems caused by petitions either improperly or confusingly captioned, as well as those caused by petitions improperly purporting to be "joint" petitions outside the limited authority of § 302 of the Code -- *i.e.*, an individual and a corporation.

The rule in (cđ) addresses the problem of so-called "*pro se*" corporate or partnership cases. Also see LBR 9010.1(e)(3) regarding appearances for such entities.

LOCAL BANKRUPTCY RULE 1006.1 FILING FEES

~~Filing fees required for the initiation of a voluntary case shall be accepted by the clerk in the form of cash, cashier's check, money order, or an attorney's check. Two party checks or personal checks of the debtor(s) will not be accepted.~~

- (a) For pleadings and documents filed in ECF which require a filing fee, the filing party must use a credit card and submit payment in accord with ECF Procedures.
- (b) For pleadings and documents submitted other than through ECF, payment shall be made in the form of cash, cashier's check, money order, or an attorney's check. Two party checks or personal checks of the debtor(s) will not be accepted.
- (c) An application requesting waiver of the filing fee, or an application for permission to pay filing fees in installments, shall be submitted on the Official Form prescribed for that purpose.

Related Authority:

11 U.S.C. §§ 301, 302

28 U.S.C. § 1930

Fed. R. Bankr. P. 1006

Advisory Committee Notes:

This rule addresses an obvious problem encountered by the clerk when debtors present petitions for filing. A fee schedule may be obtained at the court's website www.id.uscourts.gov or from the clerk's office. Official Forms (Form 3A for installments, and Form 3B for *in forma pauperis* or IFP applications) can be obtained at the court's website or can be obtained from the clerk's office.

LOCAL BANKRUPTCY RULE 1007.1
MASTER MAILING LIST (MML)

(a) Filing of Master Mailing List (MML)

At the time of filing a petition initiating a proceeding under the Bankruptcy Code, a Master Mailing List (MML) shall accompany the petition, which list shall include the name, address, and zip code of every scheduled creditor and other parties in interest. The MML shall not include the names or addresses of the debtor, joint debtor, or counsel for the debtor(s). Also, the MML shall not include the account numbers between the creditor(s) and debtor(s).

(b) Form of Master Mailing List

The MML shall be prepared in the form as required by the clerk of the court.

(c) Accuracy of Master Mailing List

The clerk and/or the Bankruptcy Noticing Center (BNC) need not check to ensure that the MML accurately reflects the names and addresses of creditors, equity security holders, and/or parties in interest listed on the debtor's schedules. For purposes of notice by the clerk; the BNC or by any party in interest, an error or omission on the MML shall be deemed an error or omission on the debtor's schedules, unless such creditor or party in interest should have been added as a result of a filed proof of claim or a written request to the court. The clerk's office or the BNC will forward returned mail to the debtor's attorney (or the debtor if pro se). It will be the responsibility of the attorney (or debtor if pro se) to provide the court with a current address of those creditors whose mail was undeliverable. It will also be the responsibility of the debtor's attorney (or debtor if pro se), to send a § 341(a) notice to those creditors whose mail was not delivered and to provide proof to the court that notice was sent.

(d) Amendments to Master Mailing List

Any additions to the MML subsequent to its initial filing shall include only those names added in the MML format required by the clerk and shall be accompanied by the amendment fee. Any deletions from the MML **are to be done through an appropriate ECF event, or if by a pro se debtor, they must** ~~are to~~ be set forth in a letter to the clerk of court. A party may not delete names from the MML by submitting a new MML with the names deleted.

(e) Creditor's Case Specific Preferred Address Per § 342(e)

A creditor who wishes a specific address to be used solely in a particular case under § 342(e) must either electronically file notice of such request using the appropriate event, or clearly mark on a paper document that it is a **"Notice for Use of Specified Address in this Case Only"**. The filed notice must contain the debtor's name; case number; the party's name and address on file with the court; and the party's complete new service address for that particular case. A failure to use the proper electronic filing event, specifically note on a paper document the information required above, or provide all the other information required above will not result in the override of any nationally

preferred address submitted pursuant to § 342(f) and pursuant to the other subsections of this particular LBR.

(f) Preferred Address Per § 342(f)

Notice of a preferred address pursuant to § 342(f) must be filed directly with the National Creditor Registration Service (NCRS) established by the court's notice provider and the Administrative Office of the U.S. Courts for this purpose. Such filing will constitute the filing of that notice with the Court.

Related Authority:
11 U.S.C. § 521
Fed. R. Bankr. P. 1007, 2002(g)

Advisory Committee Notes:

This rule has been modified consistent with internal changes in the clerk's office. The clerk has detailed information on how to prepare an MML so that the MML can be read by the court's equipment. This information will be provided by the clerk upon request, or can be viewed at www.id.uscourts.gov. See LBR 1009.1 and Miscellaneous Fee Schedule regarding assessment of an amendment fee when creditors are added to schedules or lists.

The NCRS website for registration of preferred address under § 342(f) and the filing of notices is www.ncrsuscourts.com, and its toll-free support line number is 877-837-3424.

LOCAL BANKRUPTCY RULE 1007.2 EXTENSION OF TIME

(a) Extension of Time

Except as provided in 11 U.S.C. § 1116(3), ~~An~~ an extension of time under Fed. R. Bankr. P. 1007(c) for filing schedules, statement of affairs, or other required documents will not be granted beyond the date set for the meeting of creditors under § 341(a) unless a judge orders otherwise for cause shown. Any motion for extension of time filed under this rule shall (a) state the ~~date~~ exact length of extension requested and (b) identify the date currently set for the § 341(a) meeting or, alternatively, affirmatively allege that no such date has yet been set. An extension beyond the date set for the § 341(a) meeting will not be granted unless the debtor has also ~~arranged with the U. S. Trustee for~~ ~~a~~ ~~been granted a~~ continuance of the § 341(a) meeting, pursuant to LBR 2003.1, and the confirmation hearing if applicable, ~~pursuant to LBR 2003.1~~ and provided appropriate notice thereof.

Related Authority:

11 U.S.C. § 521
Fed. R. Bankr. P. 1007

Advisory Committee Notes:

It is the responsibility of the U.S. Trustee to make a request for dismissal when the filing requirements are not met. *See* § 707(a)(3), § 1112(e), § 1208 and § 1307(c)(9) and (10).

LOCAL BANKRUPTCY RULE 1007. 3 TAX RETURNS

~~This rule shall apply in chapter 12 and chapter 13 cases.~~

~~Except where the court orders otherwise for good cause shown, debtors, prior to the initial hearing on confirmation of a plan, must:~~

- ~~—— (1) File all required tax returns with the proper taxing authority;~~
- ~~—— (2) Provide to the trustee a photocopy of any tax returns not filed prior to the commencement of case; and~~
- ~~—— (3) Provide to the trustee a photocopy of any tax return for the tax years subject to the *Income Tax Turnover Order*. Failure to do so may be grounds for dismissal.~~

(a) Restrictions Regarding Debtor's Tax Information.

Tax information filed with the court and that which is provided to creditors and trustees is subject to the Administrative Office's guidance regarding tax information as from time to time promulgated. Any person receiving copies of the debtor's tax information shall treat the information as confidential and shall not disseminate it except as appropriate under the circumstances of the case.

(b) Filing Tax Returns.

Except where the court orders otherwise for good cause shown, a debtor, must file all required tax returns with the proper taxing authority; and provide the trustee a copy of any tax return for the tax years subject to the *Income Tax Turnover Order*, in accordance with 11 U.S.C. § 521, § 1116, § 1308, and § 1325. Failure to do so may be grounds for dismissal.

Related Authority:

~~11 U.S.C. §§ 1322 and 1325~~

11 U.S.C. § 521, § 1116, § 1308, § 1325, Interim Fed. R. Bankr. P. 4002

Advisory Committee Notes:

Current Tax Returns Submitted by Debtor: Pursuant to the time periods and terms of Interim Fed. R. Bankr. P. 4002(b)(3), (b)(4), and (b)(5); 11 U.S.C. § 521(e); and § 1116(1)(A), as applicable, the debtor shall provide to the trustee, and upon request, to a creditor, a copy of the federal income tax return for the most recent tax year ending immediately before the commencement of the case.

While the Bankruptcy Code addresses federal returns, it is also important to provide the state tax returns to the trustee prior to the Creditors meeting. Failure to do so may be grounds for dismissal.

As the Administrative Office's Guidance may change, please refer to the court's website at www.id.uscourts.gov for the most recent version. (Director's Interim Guidance Regarding Tax Information Under 11 U.S.C. § 521)

~~While in chapter 13 cases filed between January 1 and April 15, a return may not be required or due under the Internal Revenue Code, such a return is necessary for the trustee to evaluate feasibility and plan compliance with §§ 1322 and 1325 to make a recommendation on confirmation.~~

~~Although chapter 11 cases are not specifically addressed in this rule, the proper and timely filing of required tax returns may still be:~~

- ~~—— (i) —— a basis for dismissal of the petition, or;~~
- ~~—— (ii) —— required, in whole or in part, for the approval of the Disclosure Statement, and~~
- ~~—— (iii) —— an element of confirmation of a plan.~~

LOCAL BANKRUPTCY RULE 1007. 4

PAYMENT ADVICES

Except where the court orders otherwise for good cause shown, debtors shall file payment advices as required by § 521(a)(1)(B)(iv) with the court, and shall simultaneously serve a complete and unredacted copy thereof on the trustee appointed in that debtor's case. The payment advices filed with the court shall be maintained as sealed documents absent order of the court to the contrary for cause shown.

Related Authority:

11 U.S.C. § 521(a)(1)(B)(iv)
Interim Fed. R. Bankr. P. 1007(b)(1)(E)

Advisory Committee Notes:

Notes to 2006 revisions: Payment advices are filed with the court pursuant to the Code but maintained as sealed documents, limiting parties' access to this information. It is critical that the case trustees promptly receive this information in order to perform their jobs, but present ECF functionality does not allow for selective access to sealed materials. Therefore, this Rule places the burden on debtors to promptly serve the trustee with copies of the payment advices filed with the court.

LOCAL BANKRUPTCY RULE 1009.1
AMENDMENTS OF PETITIONS, LISTS, SCHEDULES
AND STATEMENT OF FINANCIAL AFFAIRS

- (a) ~~An original, and the following number of copies of the amendment~~ **Any amendment of the petition, list, schedule or statement of financial affairs must be filed with the clerk.**

Chapter 7	original and 2 copies
Chapter 11	original and 1 copy
Chapter 12	original and 1 copy
Chapter 13	original and 1 copy

~~The amendment~~ shall bear, on its face, the debtor's name and case number, and the notation "amendment." The amendment shall identify the schedule or document being amended and include an explanation of the change(s) or addition(s) in the amendment and shall be limited to the changed or additional information being offered and shall not include unaffected portions of the schedule or document being amended.

- (b) Where the amendment adds additional creditors, the debtor shall:
- (1) Send to the creditor(s) so added a copy of the notice of the § 341(a) meeting of creditors, and plan if applicable;
 - (2) File a certificate of service with the clerk;
 - (3) **Complete the appropriate ECF event, or if a pro se debtor, submit a written request** ~~Request~~ to the clerk to add the creditor(s) to the Master Mailing List, and
 - (4) Submit the applicable filing fee.

The clerk need not verify or confirm that the additional creditor(s) receive notice.

Related Authority:
Fed. R. Bankr. P. 1007, 1009, 2002(g)

Advisory Committee Notes:

This rule continues current practice in those situations where the debtor or debtor's counsel causes notice of the amendment to be served.

LOCAL BANKRUPTCY RULE 2002.2
NOTICE AND HEARING

(a) **Applicability.**

All contested matters under Fed. R. Bankr. P. 9014, all motions under Fed. R. Bankr. P. 9013, and all other matters requiring or with provision for a hearing under the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, shall be subject to the following requirements and conditions, in addition to other and further requirements as may be imposed by rule or applicable law.

(b) **Notice.**

(1) By whom given. Except for notices specified in Fed. R. Bankr. P. 2002(a)(1), (a)(7), (b)(2) chapter 13 only, (e) and (f), all notices shall be given by the party requesting an order or other relief.

(2) To whom given.

(A) "Notice," as used in this rule shall mean notice by mail or electronic means to all creditors, equity security holders, trustees and indenture trustees, the debtor, the chairman of any committee appointed in the case, U.S. Trustee and any other parties in interest. A different method or less inclusive notice may be given only if allowed by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, or if authorized by a judge.

(B) The addresses of notices shall be in accordance with Fed. R. Bankr. P. 2002(g) **and 11 U.S.C. § 342.**

(i) A Master Mailing List of names and addresses, as filed with the court, and updated in accordance with ~~said~~ Rule 2002(g), **and 11 U.S.C. § 342** may be ~~obtained from the clerk upon written request and payment of the attendant fee or downloaded from PACER which can be accessed~~ from the court's website at www.id.uscourts.gov.

(ii) Required notice to all creditors is presumed to be appropriate if **sent** ~~mailed~~ to all entries on the Master Mailing List, which has been provided by the clerk.

(iii) Notices sent by the clerk, BNC, or some other person or entity as the court may direct, pursuant to 11 U.S.C. §§ 341(a), 342(a) and (b), and Fed. R. Bankr. P. 2002, that are determined undeliverable will be forwarded to the debtor's attorney (or debtor if *pro se*). Any notice, other than a § 341(a) meeting of creditors, or a copy of the final order of discharge, which is returned to the court, shall be destroyed **after processing.** ~~without notation or record.~~

- (3) **Proof of Service.** After giving notice, the moving party shall file within five (5) days of the notice, an affidavit of mailing with a list of the persons and their addresses to whom the notice was sent. If notice to all creditors is required, the affidavit of service must certify mailing (or other services) on all parties included on the Master Mailing List described in subdivision (b)(2)(B) of this rule.

(c) **Objection.**

If the notice provides for the filing of an objection, a party objecting to an act or the entry of an order shall file with the clerk and serve on the moving party, a written objection within the time set forth in the notice. The objection shall state, with specificity, the grounds therefor.

(d) **When hearing is not required.**

If authorized by the Bankruptcy Code or **Federal Rules of Bankruptcy Procedure** ~~Fed. R. Bankr. P.~~, or if allowed by the court, an actual hearing may not be required. In all such instances, the moving party shall, in the notice, so advise all parties receiving notice that an order may be entered without hearing. The moving party shall provide not less than fifteen (15) days within which any party in interest may object, unless a **different** ~~longer~~ period is required by order of a judge or under applicable Federal Rule of Bankruptcy Procedure, or such period is shortened by order of a judge.

(e) **Hearing.**

- (1) **By moving party.** Counsel for the party who desires or is required to set a matter for hearing shall be responsible for contacting the calendar clerk and obtaining a date for such hearing. Unless the calendar clerk provides a hearing date after such contact, the matter will not be scheduled for hearing and will not be heard. Counsel obtaining a hearing date shall be responsible for providing notice to all parties as provided by this rule.
- (2) **By objecting party.** If a party objects to an act or the entry of an order and the matter is not previously set for hearing, counsel for the objecting party shall be responsible for contacting the calendar clerk and obtaining a hearing date, as provided in subdivision (e)(1) of this rule and notifying the moving party and all other parties as required by this rule.
- (3) Any party requesting a hearing date from the calendar clerk (or in open court) shall file the notice of hearing and related pleadings at least five (5) days prior to the scheduled hearing date. Failure to do so may result in the hearing being removed from the calendar.

(f) **Vacation or continuance of hearing.**

A hearing may be vacated or continued for good cause by approval of the court:

- (1) On a judge's own motion;

- (2) Upon submission, prior to hearing, of an agreed order resolving the matter endorsed by the parties or their counsel of record;
- (3) Upon agreement of the parties, set forth in writing and filed no later than the day before the scheduled hearing, and for good cause shown, or, if settled later than the day before the hearing, upon an agreement read into the record at the time of the hearing by counsel for one of the parties; or
- (4) On the request of a party after notice to all opposing parties filed and served at least three (3) days prior to the scheduled hearing, accompanied by an affidavit stating the grounds for such request, unless a judge for cause shown waives the requirements of this rule.

Related Authority:

11 U.S.C. § 102(1), 704, 1112, 1324, 1514,
Fed. R. Bankr. P. 2002, 5008, 9006, 9007, 9008, 9036
District Court of Idaho General Order No. 35

Advisory Committee Notes:

Note that subdivision (b)(1) requires a party to serve notice in certain circumstances where previously the clerk provided notice.

~~LBR 2002.2(b)(2) applies in chapter 13 when the plan is filed with the petition. Debtor mails the notices when the plan is filed at a later time. (See LBR 2002.3(a)(2)).~~

~~Subdivision (b)(2)(B)(ii) has been changed to eliminate the process of "certification" of the MML.~~

Subdivision (e) reflects current practice and emphasizes the necessity of setting matters through the calendar clerk. Subdivision (e)(3) requires the filing of supporting pleadings. Upon request of a party, a hearing may be heard by video conference. Parties must request and obtain approval for a video conference hearing by calling the calendaring department at (208) 334-9343.

Subdivision (f) is designed to cure problems presently encountered by the court where counsel vacates a hearing without advising the court and/or opposing counsel.

LOCAL BANKRUPTCY RULE 2002.3
FILING AND SERVICE MAILING OF PLANS

(a) **Chapter 13 Cases.**

- (1) The BNC, or some other person or entity as the court may direct, will ~~send mail~~ plans filed with the petition in chapter 13 cases with the § 341(a) notice to creditors. ~~An original plan plus one (1) copy must be submitted with text only on one side so that this information can be scanned electronically.~~ In such cases, and provided all other schedules and statements are also filed with the petition, the accelerated confirmation process of LBR 2002.5 shall apply, ~~and the notice of the § 341(a) meeting of creditors issued by the BNC shall advise creditors of the confirmation hearing date.~~
- (2) In all cases where the plan is not filed with the petition, the debtor shall be responsible for ~~sending mailing~~ copies of the chapter 13 plan and notice of hearing on confirmation to all creditors and parties in interest. Such notice must comply with Fed. R. Bankr. P. 2002 and 3015. In such cases, the notice of the § 341(a) meeting issued by the BNC shall not advise creditors of the confirmation hearing date, and such cases will not be subject to the accelerated confirmation procedures of LBR 2002.5. The debtor shall immediately thereafter file proof of service by mailing with the clerk of the court.

(b) **Other Cases.**

In all chapter 11 and 12 cases, the debtor or plan proponent shall give notice of the hearing on confirmation of the plan. The debtor or plan proponent shall ~~send mail~~ copies of the plan, with such notice, to all creditors and parties in interest prior to the hearing date set for confirmation of the plan. In chapter 11 cases, ~~except if governed by § 1125(f) and Fed. R. Bankr. P. 3017.1,~~ the debtor or plan proponent shall also ~~send mail~~ copies of the order approving disclosure statement and notice of the confirmation hearing, together with a copy of the disclosure statement, plan, ballot, and any amendments or addenda to the original plan or disclosure statement.

Related Authority:

11 U.S.C. §§ ~~1125(f)~~, 1128, 1224, 1324,
Fed. R. Bankr. P. 2002(a), 2002(b), 3015, 3017
~~LBR 2002.5~~

Advisory Committee Notes:

~~To comply with § 1324(b) (providing, in part, chapter 13 confirmation hearings may not be held later than 45 days from the § 341(a) meeting) and with Fed. R. Bankr. P. 2002(b) (requiring 25 days notice of confirmation hearing), a debtor scheduling a confirmation hearing date under subdivision (a)(2) must ensure that an appropriate date is obtained and notice of hearing is issued not later than 20 days after the § 341(a) meeting.~~

~~In reference to balloting on confirmation in chapter 11 cases under subdivision (b), ballots should be prepared directing their submission to the clerk of the court for tabulation, and any ballots returned to counsel for the debtor or a plan proponent, contrary to the instructions on the ballot, should be immediately forwarded to the clerk with notation of date received.~~

In addition to the requirements of this rule, plan proponents in chapter 11 cases are required by LBR 3018.1 to file ballots and a written summary of the ballots and by LBR 3020.1 to file a preconfirmation report.

LOCAL BANKRUPTCY RULE 2002.5
FILING AND CONFIRMATION OF CHAPTER 13 PLAN

(a) Chapter 13 Plan and Schedules Filed with Petitions

(1) Applicability.

When the chapter 13 plan and all other schedules and statements are filed with the bankruptcy petition, as identified in LBR 2002.3, an accelerated confirmation process is available provided the requirements set forth herein in subpart (a) are satisfied.

(2) Notice to Creditors.

The BNC shall send to the debtor, debtor's attorney, the trustee, and all creditors and parties in interest, a notice that advises them of the provisions of this rule. This notice shall be sent at the same time as, and may be incorporated within, the notice of the § 341(a) meeting of creditors. **The clerk shall schedule a confirmation hearing date, in the event an actual hearing is required under this rule, and provide notice of the date on the notice of the § 341(a) meeting of creditors.**(moved from (d))

(3) Objections to Confirmation of the Plan.

Any objection to the confirmation of the plan must be in writing and filed with the clerk, the trustee, debtor, and debtor's attorney prior to or on the date of the scheduled § 341(a) meeting of creditors, or within five (5) days thereafter. An objection to confirmation must set forth with specificity the grounds for objection and is governed by Fed. R. Bankr. P. 9014.

(4) Confirmation of Plan Without Objection.

Where no objection to confirmation of a chapter 13 plan is filed within the time limits established by this rule, then a judge, without hearing, may enter an order confirming the plan.

(b) Chapter 13 Plan and Schedules Not Filed With Petition.

(1) Objections to Confirmation of the Plan.

When the chapter 13 plan and all other schedules and statements are not filed with the petition, as identified in LBR 2002.3, any objections to confirmation of the plan must be in writing and filed with the clerk, the trustee, debtor and debtor's attorney no later than five (5) days prior to the time set for the confirmation hearing. An objection to confirmation must set forth with specificity the grounds for objection and is governed by Fed. R. Bankr. P. 9014.

(2) Notice of Hearing

When the chapter 13 plan and all statements are not filed with the petition, as identified in LBR 2002.3, the notice of hearing of confirmation required by LBR 2002.3(a) shall state that any objection to the confirmation of the plan must be in writing and filed with the clerk, the trustee,

debtor and debtor's attorney no later than five (5) days prior to the time set for the confirmation hearing. **If the hearing is set by the debtor with a plan filed and noticed after the petition is filed, the date of the confirmation hearing must be no later than 20 days after the first § 341(a) Meeting of Creditors.**

(3) Confirmation of Plan Without Objection

Where no objection to confirmation of plan is filed within the time limits established by this rule, than a judge, without hearing, may enter an order confirming the plan

(c) Amendment of Plans

The proposed plan may be amended ~~at either the § 341(a) meeting or~~ anytime prior to the hearing scheduled under subdivision (e) of this rule to resolve an objection. Such amendment must be ~~placed on the chapter 13 trustee's minutes or be included in an amended plan~~ **or in the order for confirmation.** Where a timely objection has been made, the plan will not be confirmed until the objecting party has withdrawn such objection or a hearing is held as provided in subdivision (e) of this rule. Where the amendment does not affect any other party in interest, a judge may confirm the plan as amended without notice or a hearing. Where the amendment would affect another party in interest, the plan as amended must be mailed to each affected party with a notice providing twenty (20) days to object to the amendment. If no objection is made within the time allowed, a judge may confirm the plan as amended without a hearing.

(d) Objections not Resolved by Amendment of the Plan.

Where an objection to a proposed chapter 13 plan cannot be resolved by an amendment to the proposed plan, or where the trustee does not recommend confirmation, the court shall hold a confirmation hearing to resolve the objection. ~~The clerk shall schedule a tentative confirmation hearing date, in the event an actual hearing is required under this rule, and provide notice of the date on the notice of the § 341(a) meeting of creditors.~~ **(moved to (a)(2))**

(e) Standard Chapter 13 Plan and Order.

When possible the debtor shall use the standard approved chapter 13 plan and order for this district. If the debtor provides additions, deletions, or other modifications, the debtor shall provide at the beginning of the plan or order a notice that the chapter 13 plan or order contains deviations, and the deviations shall be clearly identified. If the debtor is represented by an attorney, the plan or any amended plan shall be signed by the attorney at the time it is filed and shall be signed by the debtor prior to the confirmation hearing. If the debtor is not represented by an attorney, the plan shall be signed by the debtor at the time it is filed. If either the plan or any amended plan is further amended and the amendments are contained in the order confirming the plan, the proposed order confirming the plan shall be signed by the debtor, the debtor's attorney, the trustee and any other party in interest affected by the amendments.

Related Authority:

11 U.S.C. §§ 1302, 1322, 1323, 1324, 1325
Fed. R. Bankr. P. 2002, 3015

Advisory Committee Notes:

The process of confirmation as structured under this rule is designed to protect interests of objecting creditors, while allowing accelerated confirmation of plans and payment to creditors in the large majority of chapter 13 cases where there are no objections or where objections can be readily resolved. The notice and timing requirements under the Federal Rules of Bankruptcy Procedure make the accelerated confirmation process appropriate only in those cases where the plan is filed with the petition, and the clerk is able to issue notice. In all other cases, the debtor must file the plan within fifteen (15) days of the petition. *See* Fed. R. Bankr. P. 3015(b), and provide copies of the plan and notice of confirmation hearing to all creditors and parties in interest, in compliance with Fed. R. Bankr. P. 2002 and 3015, and these local rules.

LOCAL BANKRUPTCY RULE 2003.1
SECTION 341(a) MEETING OF CREDITORS

(a) Applications for Continuance.

A continuance of the § 341(a) meeting of creditors must either be requested of the presiding officer at the time of the § 341 meeting or, not later than ten (10) days after the scheduled meeting, by written application to the U.S. Trustee accompanied by an affidavit identifying the circumstances necessitating the delay. A continuance will not be allowed except where extenuating circumstances render the debtor(s) unable to appear. A continuance will not be allowed for a conflict involving the debtor's attorney.

(b) Waiver of Meeting.

A request pursuant to § 341(e) that the § 341(a) meeting of creditors and/or equity security holders not be convened, shall be made to the court at the time of filing the petition for relief. If not timely filed, the right to seek such relief shall be deemed waived.

(c) Notice and Service.

If a continuance of the §341(a) meeting is granted by the presiding officer or U.S. Trustee, the debtor or debtor's attorney must ~~mail~~ send notice of the continuation to the creditors at least seven (7) days prior to the date of the continued meeting. The notice must include the date, time, and location of the continued meeting, and, if the case is a chapter 13, the notice must also include the date, time and location of the continued confirmation hearing. Proof of service of the continuation notice must be filed with the clerk and must list each party served and their mailing address.

(d) Dismissal.

If the debtor fails to appear at the §341(a) meeting and, if either no continuance is requested within ten (10) days after the scheduled meeting, or no continuance is granted by the Presiding Officer or U.S. Trustee, the U.S. Trustee may apply for an order of dismissal provided that the file contains proof that a notice of the meeting was ~~sent~~ mailed to the debtors.

(e) Notice To Other Courts.

The debtor's attorney (or the debtor if *pro se*) shall provide a notice of the commencement of the bankruptcy case to all courts in which the debtor is known to be a party. Such notice shall reasonably identify to such court(s) the case or action affected by the debtor's bankruptcy.

Advisory Committee Notes:

This reflects the responsibilities of the U.S. Trustee in conducting § 341(a) meetings. It follows [General Order No. 61](#) effective April 1, 1990.

While not as significant a problem as in other districts, failure to appear and/or failure to advise the court of the need for a continuance are still common and require a mechanism to control abuse.

Under subdivision (~~d~~e) of the rule, the U.S. Trustee may request that the case be dismissed. However, the U.S. Trustee or panel trustee may elect to have the case remain open, for example, to administer assets or oppose entry of the debtor's discharge based on the failure to appear. *See* 11 U.S.C. §§ 704, 727.

Note also that dismissal on this ground falls within the scope of the prohibition of § 109(g)(1) on filing a subsequent petition for relief.

For purposes of planning and avoiding potential conflicts, note that the court's calendar for § 341(a) meeting dates is set one year in advance. Copies of this calendar are available, without charge, from the office of U.S. Trustee or at www.id.uscourts.gov.

LOCAL BANKRUPTCY RULE 3003.1
FILING OF PROOFS OF CLAIM IN CHAPTER 11 CASES

(a) **Time to File.**

Pursuant to Fed. R. Bankr. P. ~~3003(c)(3)~~ **3003(c)(3)** and except as provided in subdivision (b) of this rule, the last day to file proofs of claim in a chapter 11 case shall be ninety (90) days from the first date set for a § 341(a) meeting of creditors. A claim of a governmental unit shall be filed before one hundred eighty (180) days after the date of the order for relief, except as otherwise provided in the Federal Rules of Bankruptcy Procedure. The clerk shall notify all creditors and parties in interest of such bar date.

(b) **Extension.**

The court may, for cause shown, extend the deadline upon appropriate motion, notice, and hearing. If the § 341(a) meeting notice to creditors has already been ~~sent mailed~~ by the clerk's office, the notification to creditors of an extension of deadline to file claims will be the responsibility of the debtor in possession and its counsel.

Related Authority:
11 U.S.C. §§ 501, 502, 1111(a)
Fed. R. Bankr. P. 3003

Advisory Committee Notes:

The rule does not change the operation of § 1111(a) or Fed. R. Bankr. P. 3003(b)(1) or (c)(2) as to claims scheduled by the debtor as undisputed, non-contingent, and liquidated.

~~LOCAL BANKRUPTCY RULE 3017.1~~
~~SMALL BUSINESS CHAPTER 11~~
~~REORGANIZATION CASES~~

~~(a) — Election to be Considered a Small Business in a Chapter 11 Reorganization Case.~~

~~In a chapter 11 reorganization case, a debtor that is a small business may elect to be considered a small business by filing a written statement of election no later than sixty (60) days after the date of the order for relief or by a later date as the court, for cause, may fix.~~

~~(b) — Approval of Disclosure Statement.~~

~~————— (1) — Conditional Approval. ——— If the debtor is a small business and has made a timely election to be considered a small business in a chapter 11 case, the court may, on application of the plan proponent, conditionally approve a disclosure statement filed in accordance with Fed. R. Bankr. P. 3016. On or before conditional approval of the disclosure statement, the court shall:~~

~~————— (A) — Fix a time within which the holders of claims and interests may accept or reject the plan;~~

~~————— (B) — Fix a time for filing objections to the disclosure statement;~~

~~————— (C) — Fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed, and;~~

~~————— (D) — Fix a date for the hearing on confirmation.~~

~~————— (2) — Application of Fed. R. Bankr P 3017. ——— If the disclosure statement is conditionally approved, Fed. R. Bankr. P. 3017(a), (b), (c), and (e) do not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying Fed. R. Bankr. P. 3017(d).~~

~~————— (3) — Objections and Hearing on Final Approval. ——— Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with Fed. R. Bankr. P. 2002 and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the U.S. Trustee, and served on the debtor, the trustee, any committee appointed under the Bankruptcy Code, and any other entity designated by the court at any time before final approval of the disclosure statement or by an earlier date as the court may fix. If a timely objection to the disclosure statement is filed, the court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.~~

Advisory Committee Notes:

~~This rule is designed to implement §§ 1121(e) and 1125(f) that were added to the Code by the Bankruptcy Reform Act of 1994. These amendments are applicable in cases commenced on or after October 22, 1994.~~

~~If the debtor is a small business and has elected under § 1121(e) to be considered a small business, § 1125(f) permits the court to conditionally approve a disclosure statement subject to final approval after notice and a hearing. If a disclosure statement is conditionally approved, and no timely objection to the disclosure statement is filed, it is not necessary for the court to hold a hearing on final approval.~~

LOCAL BANKRUPTCY RULE 3018.1
CHAPTER 11 BALLOTS - VOTING ON PLANS

Not less than 5 days prior to the confirmation hearing, the plan proponent shall file the ballots and a written summary of the ballots cast, and shall serve a copy of the summary on the debtor, the United States Trustee, any committee appointed pursuant to the Bankruptcy Code or their authorized agents, and any party that has filed an objection to confirmation or has requested notice. The summary shall contain a separate listing of acceptances and rejections and shall include the following information by class:

- (a) the name of each creditor filing an acceptance or rejection, the dollar amount of each claim, and whether the debtor has objected to the claim;
- (b) the total dollar amount and number of all allowed claims voted;
- (c) the percentage dollar amount of acceptances; and
- (d) the percentage number of acceptances.

Related Authority:

11 U.S.C. §§ 1126, 1128, 1129
Fed. R. Bankr. P. 3017
LBR 2002.3, 3020.1

Advisory Committee Notes:

Official Form 14 provides the ballot for accepting or rejecting a chapter 11 plan of reorganization.

LOCAL BANKRUPTCY RULE 3020.1
CHAPTER 11 PRECONFIRMATION REPORTS

In a chapter 11 case, the plan proponent shall, not less than 5 days prior to the confirmation hearing, file a memorandum containing the proponent's response to any objections, and a statement as to how each requirement of 11 U.S.C. § 1129 is satisfied. The memorandum shall be served on the debtor, the United States Trustee, any committee appointed pursuant to the Bankruptcy Code or their authorized agents, and any party that has filed an objection to confirmation or has requested notice. If the confirmation hearing is continued, a revised preconfirmation report shall likewise be filed and served not less than 5 days prior to the continued hearing.

Related Authority:

11 U.S.C. §§ 1128, 1129
Fed. R. Bankr. P. 3017, 3018, 3020(b)
LBR 2002.3, 3018.1

LOCAL BANKRUPTCY RULE 4008.1
REAFFIRMATIONS

(a) ~~Where Debtor is Represented by Counsel.~~

~~Applications for approval of reaffirmation agreements in cases in which the debtor is represented by counsel shall be accompanied by a copy of the reaffirmation agreement signed by both the creditor and the debtor(s), and by an affidavit or declaration by debtor's attorney executed pursuant to § 524(c)(3) of the Bankruptcy Code. Such applications shall either;~~

- ~~—— (1) — Be scheduled for hearing before the court, at which hearing the debtor and debtor's attorney must be present; or~~
- ~~—— (2) — Be accompanied by a written waiver of hearing signed by the creditor and the debtor(s), provided, however, the court may require a hearing on the application.~~

(b) ~~Content of Reaffirmation Agreements and Counsel's Affidavit or Declaration.~~

~~In addition to any other appropriate provisions, all reaffirmation agreements and affidavits or declarations of counsel submitted in connection therewith must contain the information required by § 524(c) of the Bankruptcy Code, and substantially conform to or provide the information, documentation, and explanations required by Procedural Form [B240](#).~~

Related Authority:

11 U.S.C. § 524
Fed. R. Bankr. P. 4008

Advisory Committee Notes:

~~This rule attempts to reflect current practice, including the lack of mandatory "discharge hearings," in this district. The rule contemplates, in subdivision (c) that a hearing will be held only upon the request of a party, and that notice of such hearing will be filed with the application and an executed agreement.~~

~~Though a procedural form, not an official form, the use of Procedural Form [B240](#) is strongly recommended.~~

LOCAL BANKRUPTCY RULE 5003.1
ELECTRONIC CASE FILING

(a) Official Records of the Court.

The docketing and case management system for the Bankruptcy Court for the District of Idaho shall be the Case Management and Electronic Case Filing Program (ECF). The official record of the court shall be all documents filed electronically, all documents converted to an electronically filed format, and all documents filed and not capable of conversion to electronic format or otherwise ordered by the court to be maintained.

(b) Establishment of Electronic Case Filing Procedures.

The clerk of the court is authorized to establish and promulgate Electronic Case Filing Procedures (“ECF Procedures”), including the procedure for registration of attorneys and other authorized users, and for issuance and control of passwords to permit electronic filing and notice of pleadings and other papers. The clerk may modify the ECF Procedures from time to time, after conferring with the Chief Judge. The ECF Procedures shall be made available to the public on the court’s website (www.id.uscourts.gov) and copies shall be available at all divisional court offices.

(c) Scope of Electronic Filing.

Unless expressly prohibited, the filing of all documents required or permitted to be filed with the court in connection with a bankruptcy case or adversary proceeding ~~shall~~ **may** be accomplished electronically. Any and all references to “filing” or “service” in these Local Bankruptcy Rules shall be interpreted to include filing or service by electronic means consistent with the ECF Procedures and any applicable General Order. Local Bankruptcy Rule provisions which are or may be in conflict with ECF **Procedures** shall be superceded by **such** ~~the ECF~~ Procedures and/or applicable General Order until such time as appropriate rule amendments are promulgated.

(1) Documents filed conventionally with the court will be converted into an electronic format by the court and in such cases, such documents will be treated for all purposes as if they had been electronically filed, except that conversion of a conventionally filed document to electronic format by the court will not affect the original filing date and time of that document.

(2) On a case by case basis, the presiding judge may direct that paper copies of any documents filed electronically be sent directly to the judge’s chambers.

(d) Court Retention of Records - Copies.

Where a document filed conventionally is converted to an electronic format by the court, the document originally filed shall be maintained as a copy only. Such copies of documents will be retained by the court only so long as required to ensure that the information has been transferred to the court’s data base, for other court purposes or as required by other applicable laws or rules. It shall be the responsibility of any party who has filed a document conventionally who desires to have

the document returned by the clerk, to specifically request and arrange for its return. Absent such a request, the clerk is authorized to dispose of the document after electronic conversion.

(e) Retention of Conventionally Signed Documents.

The original of all conventionally signed documents that are electronically filed shall be retained by the filing party for a period of not less than the maximum allowed time to complete any appellate process, or the time the case of which the document is a part, is closed, whichever is later. The document shall be produced upon an order of the court.

~~Anyone who disputes the authenticity of any signature on electronically-filed documents shall file an objection to the document within ten days of receipt of the document or notice of its filing, whichever first occurs.~~

(f) Eligibility.

Only a Registered Participant or an authorized employee of the Registered Participant may file documents electronically. To become a Registered Participant, or to act as an authorized employee of the Registered Participant, a person must satisfy the registration requirements established by the court and participate in training as required by the court unless the clerk is satisfied that training is not necessary.

(g) Consequences of Electronic Filings.

The electronic transmission of a document to the court constitutes filing of the document for all purposes. Such transmission shall be consistent with ECF Procedures. The filing date and time of a document filed electronically shall be the date and time the document is electronically received by the court, which for the purposes of this Rule shall be Mountain Time.

(h) Entry of Court Issued Documents.

The court shall enter all orders, decrees, judgments and proceedings of the court in accordance with the ECF Procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the clerk of court.

(i) Large Documents, Exhibits and Attachments.

The parties are directed to refer to the ECF Procedures, which may be amended from time to time.

(j) Signatures.

The electronic filing of any document by a Registered Participant shall constitute the signature of that person for all purposes provided in the Federal Rules of Bankruptcy Procedure. For instructions regarding electronic signatures, refer to the ECF Procedures.

(k) Notice and Service of Documents.

Participation by a Registered Participant in the Court's ECF system by registration and receipt of a login and password from the clerk of court shall constitute consent by that Registered Participant to the electronic service of pleadings and other papers under applicable Federal Rules of Bankruptcy Procedure.

(l) Technical Failures.

Any Registered Participant or other person whose filing is made untimely or who is otherwise prejudiced as a result of a technical failure at or by the Court, may seek appropriate relief from the court. The court shall determine whether a technical failure has occurred or whether relief should be afforded on a case by case basis.

**Related Authority:
Fed. R. Bankr. P. 5003, 5005
General Order 187**

Advisory Committee Notes:

Effective January 1, ~~2005~~ 2006, members of the bar and other Registered Participants are required to file all documents in the District and Bankruptcy Court through ECF unless otherwise ordered by the Court. ~~the Bankruptcy and District Courts in the District of Idaho implemented electronic case filing (CM/ECF). This rule provides that the electronic record maintained by the clerk shall be the official record for all purposes, and provides an initial transition to CM/ECF while amendments to the Local Rules are considered.~~ Detailed procedures are found in the clerk's ECF Procedures and in the court's General Order(s), which are available on the court's website or at any clerk's office. All references in the Local Bankruptcy Rules to "filing" or "service" (except service or process) are deemed to include electronic filing and/or service, even though more detailed amendments of the Local Bankruptcy Rules may later be made.

LOCAL BANKRUPTCY RULE 5005.1
VENUE

(a) **Hearings and Meetings.**

Bankruptcy Court hearings and § 341(a) meetings are regularly scheduled in Boise, Coeur d'Alene, Moscow, Pocatello, Twin Falls, and Jerome.

(b) **Filing of Pleadings and Papers.**

All pleadings, motions, and other pertinent papers may be filed with the office of the clerk of court in Boise, Pocatello, Moscow, and Coeur d'Alene. When a judge is sitting elsewhere in the district, such papers may be filed with the deputy clerk at such place.

Related Authority:
28 U.S.C. § 156
Fed. R. Bankr. P. 5005

Advisory Committee Notes:

Hearings and § 341(a) meetings are held in various sites depending upon the county of the debtor's residence or principal place of business. Certain hearings may be heard by video conference - see Advisory Committee Notes of LBR 2002.2

The court's and U.S. Trustee's designation of counties within each area is as follows:

Eastern Calendar (Pocatello):

Matters before the court and § 341(a) meeting of creditors: Federal Building & U.S. Courthouse, 801 E. Sherman, Pocatello, Idaho

Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, Teton.

South Central Idaho Calendar (Twin Falls **or Jerome, as set forth in the Rules**): ~~for routine or uncontested court hearings and Jerome for § 341(a) meetings~~:

Matters before the court **and chapter 13 § 341(a) meeting of creditors**: Snake River Adjudication District Court, 253 3rd Ave N, Twin Falls, Idaho

Section 341(a) meeting of creditors **(except chapter 13)**: Jerome County Courthouse, 300 N Lincoln, ~~2nd Floor~~, Jerome, Idaho.

Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls.

Southern Calendar (Boise):

Matters before the court: Federal Building & U.S. Courthouse, 550 W Fort St, 5th Floor, Boise, Idaho

Section 341(a) meeting of creditors: Office of U.S. Trustee, ~~Federal Building & U.S. Post Office, 8th & Bannock Sts, 3rd Floor, Rm 333, Boise, Idaho~~ **Washington Group Central Plaza, 720 Park Blvd., Suite 210, Boise, ID**

Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington (and referred Malheur County, Oregon cases).

Central Calendar (Moscow);

Matters before the court and § 341(a) meeting of creditors: Federal Building & U.S. Courthouse, 220 E 5th St, Moscow, Idaho

Clearwater, Idaho, Latah, Lewis, Nez Perce.

Northern Calendar (Coeur d'Alene):

Matters before the court and § 341(a) meeting of creditors: Federal Building & U.S. Courthouse, 205 N 4th St, Rm # 216, Coeur d'Alene, Idaho

Benewah, Bonner, Boundary, Kootenai, Shoshone.

~~This rule contemplates continuation of the current practice of not allowing the filing of any pleadings at the time of the § 341(a) meeting of creditors. It further eliminates the practice of allowing the filing of amendments to schedules, etc., at the § 341(a) meeting since the same are not time-critical and can be **sent** mailed to the court. It also reflects the fact that the U.S. Trustee and panel trustees, and not the clerk, conduct such meetings.~~

LOCAL BANKRUPTCY RULE 5005.2
DOCUMENTS FOR FILING OR ADMINISTERING

(a) Petitions.

~~Except as provided in Fed. R. Bankr. P. 5005(a),~~ At the time of filing, a petition the documents may be reviewed **for format** and legibility; correct size of paper (8 ½ x 11) **for scanning purposes** sufficient number of copies; correctness of fee or application for payment of fees in installments; ~~Master Mailing List; attorney's Fed. R. Bankr. P. 2016(b) disclosure statement, if application for payment of fees in installments is submitted; and signatures. of the debtor/joint debtor.~~

If filed in paper by pro se litigants, documents must be affixed by a fastener (i.e., paper clip,) and NOT staples.

(b) No Filing Fee or an Inappropriate Amount Submitted; and Facsimile Pleadings.

The clerk has been given authority by General Order ~~No. 154~~ to refuse to accept or file:

- (1) Any facsimile pleadings mailed or faxed to the clerk, ~~and;~~ **which do not comply with General Order 201, or**
- (2) Any petition or pleading not accompanied by the required filing fee under 28 U.S.C. § 1930.

(c) General Format of Papers Presented for Filing.

- (1) **Except for proposed orders submitted to the court, starting 1 inch from the top of the first page,** the following information must appear in the upper left-hand corner of the first page of each paper presented for filing, except that in multiparty actions or proceedings, reference may be made to the signature page for the complete list of parties represented:

~~(1)~~**(a)** Name of the attorney (or if in propria persona, of the party);

(b) E-mail address;

~~(2)~~**(c)** Idaho State Bar Number (if applicable);

~~(3)~~**(d)** Office mailing address;

~~(4)~~**(e)** Telephone number;

~~(5)~~**(f)** Facsimile number;

~~(6) —E-mail address (if available) and;~~

- ~~(7)~~(g) Specific identification of the party represented by name and interest in the litigation (i.e., debtor, creditor, plaintiff, defendant, etc.).
- (2) Any pleading, motion or other paper presented for filing must be submitted in 12 to 14 font, with the exception of forms, exhibits, attachments or other documents which cannot be converted to this font.
- (3) (a) Following the counsel identification, a caption in the following form should appear: and commencing four (4) inches below the top of the first page, (except where additional space is required for identification) the following caption must appear:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

In Re)	
)	
[Debtor Party Name])	Case Number: _____
)	
Debtor Party Type)	[Title of Pleading]
_____)	

- (b)(1) ~~Title of the court;~~ In completing the form of caption, insert in place of bracketed material the debtor(s) name and title of the pleading. When completing the case number, include three letter suffix indicating the assigned judge (i.e., 07-00001-TLM or 07-00001-JDP)
- ~~(2) The title of the bankruptcy case;~~
- _____ ~~(3) The file number of the bankruptcy case, including the three letter suffix indicating the assigned judge (i.e., 05-00001-TLM or 05-00001-JDP);~~
- _____ ~~(4) The category of the action or proceeding as provided hereinafter in these rules;~~
- _____ ~~(5) A title describing the pleading and;~~
- _____ ~~(6) Any other matter required by this rule.~~

Related Authority:
28 U.S.C. § 1930
Fed. R. Bankr. P. 2016, 5005
LBR 1002.1, 1006.1, 1006.2, 1007.1, 1009.1, 4001.2, 5007.1, 5010.1, 7003.1, 9004.1, 9004.2
~~D. Id. Civ. R. 5.1~~
District of Idaho General Order nos. 97, 154, 187, 201
Official Form 16A

Advisory Committee Notes:

The procedures on facsimile filing are governed by District of Idaho [General Order 201, 154](#), that is available on the court's website, or you may. ~~For the procedures please,~~ call the local clerk's office.

With respect to the format for adversary captions, refer to LBR 7003.1.

LOCAL BANKRUPTCY RULE 5005.3
PROTECTION OF PERSONAL PRIVACY

(a) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, parties shall not include, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

- (1) Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
- (2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (3) Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
- (4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

It is the sole responsibility of counsel and the parties to be sure that the redaction of personal identifiers is done. The clerk will not review each pleading for redaction.

(b) A party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal only if the party believes maintenance of the unredacted material in the court record is critical to the case. The document must contain the following heading in the document, "SEALED DOCUMENT PURSUANT TO E-GOVERNMENT ACT OF 2002". This document shall be retained by the court as part of the record until further order of the court. The party must also electronically file a redacted copy of this document for the official record.

Related Authority:

Dist. Idaho General Order 179, 183

Advisory Committee Notes:

In addition to the privacy items listed in section (a) above, the Judicial Conference policy requires that the court not provide public access to the following documents: juvenile records; ex parte requests for expert or investigative services at court expense; and sealed documents.

You are advised to exercise caution when filing documents that contain the following:

- (1) Personal identification number, such as driver's license number;
- (2) Medical records, treatment and diagnosis;
- (3) Employment history;
- (4) Individual financial information;
- (5) Proprietary or trade secret information;
- (6) Information regarding an individual's cooperation with the government;
- (7) Information regarding the victim of any criminal activity;
- (8) National security information;
- (9) Sensitive security information as described in 49 U.S.C. § 114(s).

Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made.

LOCAL BANKRUPTCY RULE 5010.1 REOPENING FEES AND PROCEDURES

Any party wishing to file a pleading or other document in a closed case must submit a motion and order reopening the case, and pay the attendant fee **unless otherwise ordered by the court.**

Related Authority:
11 U.S.C. § 350(b)
Fed. R. Bankr. P. 5009, 5010

Advisory Committee Notes:

There are only limited circumstances where the court may act without reopening a case. *See* Fed. R. Bankr. P. 9024. The "attendant fee" is the same as the filing fee for a case under such chapter in effect as of the time of the motion to reopen. **See 28 U.S.C. § 1930(b). The Miscellaneous Fee Schedule can be found at www.id.uscourts.gov.**

As provided in the described fee schedule, the court may waive the filing fee **in appropriate circumstances, or** in the event of ~~a~~ **an administrative or** clerical error ~~in closing~~.

LOCAL BANKRUPTCY RULE 7026.1
DISCOVERY RULES NOT APPLICABLE IN ADVERSARY PROCEEDINGS

(a) **Discovery Rules Not Applicable in Adversary Proceedings.**

Except as otherwise ordered by the court, provisions of Fed. R. Civ. P. 26(a)(1)-(4) concerning requirements for disclosure of information, the first sentence of Rule 26(d) and Fed. R. Civ. P. 26(f) (and those provisions of Rule 16 and Rules 30-37 referring thereto) concerning discovery meetings will not be applicable in any adversary proceeding pending or filed.

Related Authority:

General Order 101

Fed. R. Bankr. P. 7026, 9014 (contested matters)

Advisory Committee Notes:

This rule continues the provisions of General Order 101 of the U.S. Court and U.S. Bankruptcy Court for the District of Idaho, which were made effective December 1, 1993.

LOCAL BANKRUPTCY RULE 8001.1
RULES APPLICABLE TO BANKRUPTCY APPEALS

(a) **Rules Applicable to Bankruptcy Appeals.**

- (1) All Appeals. In addition to rules in Part VIII of the Federal Rules of Bankruptcy Procedure and Third Amended District Court General Order No. 38, LBR 8001.1 applies to all appeals from a judgment, order, or decree of a judge.
- (2) Bankruptcy Appellate Panel (BAP). For the purposes of these Local Bankruptcy Rules, BAP shall mean the United States Bankruptcy Appellate Panel of the Ninth Circuit.

(b) **Filing of Notice of Appeal.**

An appellant shall file the ~~original~~ notice of appeal ~~and three (3) copies~~ together with the appropriate filing fee with the clerk **of the bankruptcy court**. ~~In addition, an appellant must file with the clerk sufficient copies of the notice of appeal and addressed stamped envelopes for each party listed in the appeal.~~

(c) **Form and Time of Consent to the BAP.**

- (1) Consent. The consent of a party to allow an appeal to be heard and determined by the BAP shall be deemed to have been given unless written objection is filed with the clerk of the bankruptcy court either:
 - (A) by appellant with the notice of appeal or motion for leave to appeal; or
 - (B) by any other party within thirty (30) days from the date of service of notice of the appeal.

When an appellant files both a notice of appeal and a motion for leave to appeal, consent will be deemed revoked if an objection to BAP determination is filed with respect to either pleading.

- (2) Effect of Timely Objection. Upon timely receipt of a written objection to an appeal being heard and determined by the BAP, jurisdiction over the appeal shall be immediately transferred to the district court and the bankruptcy court clerk shall not forward any appeal documents, or any further documents, to the BAP. If the objection is timely, but filed after some of the appeal documents have been transferred to the BAP, the BAP clerk shall promptly return to the bankruptcy court clerk all appellate documents for administration.
- (3) Objection Filed with Notice of Motion. If a written objection is filed with the notice of appeal or motion for leave to appeal, the bankruptcy court clerk shall not be required to forward any appeal documents to the BAP.

(d) **Transmittal of Record.**

When the record is complete for purposes of appeal to either the district court or the BAP, a copy thereof will be transmitted, and the original bankruptcy court record shall remain in the office of the bankruptcy court clerk.

Related Authority:
28 U.S.C. § 158
Fed. R. Bankr. P. 8001-8019

Advisory Committee Notes:

The clerk will provide parties to an appeal, and to others upon request, copies of [Amended General Order No. 38](#), as amended by [General Order No. 113](#). In the event an appeal is heard by the BAP (*see* LBR 8001.1(c)), the BAP rules shall apply. Pursuant to LBR 1001.1(b) if an appeal is heard by the district court, it may order that the Local Civil Rules shall apply.

LOCAL BANKRUPTCY RULE 9004.1 FORM OF ORDERS

(a) **Separate Documents.**

All orders must be submitted on a document separate from any attendant motion or stipulation.

(b) **Requisite Information.**

All orders submitted must identify with specificity the application, motion, or other pleading to which it corresponds, and the court hearing, if any, from which it resulted. The order must also specifically identify the property or interest with which it deals.

(c) **Format**

All orders shall contain the proper case caption.. There shall be no attorney information (name, firm, address, etc.) above the caption. After the text of the order, the end of the text shall be indicated with the phrase // end of text //. Below the end of text designation, the submitting attorney shall indicate the name of the attorney(s) submitting the order **and who they represent (e.g. order submitted by John Smith, Attorney for Debtor Jane Doe)**, and any endorsements of the order by other parties.

(d) **Submission of Proposed Orders.**

Proposed orders are to be submitted by e-mail in a format compatible with WordPerfect, unless expressly directed by the court to be submitted in a different format. A certificate of service is not required when submitting a proposed order.

1. When e-mailing the proposed order in the correct format to the court, all proposed orders must list in the e-mail subject line, the following items: (1) the case number; (2) judge's initials; (3) the docket number of the motion filed electronically, which is the subject of the proposed order; and (4) a description. (Example: 05-1234_TLM_10_Order_Dismissing.wpd)
2. Proposed orders shall be sent to the appropriate address from the following list:
OrdersSouth@id.uscourts.gov
OrdersNorth@id.uscourts.gov
OrdersEast@id.uscourts.gov

Advisory Committee Notes:

~~Motions that contain orders within the same pleading cause filing and case control issues for the clerk. Additionally, some "separate" orders presently submitted are incomplete, misleading, or confusing. Certain orders, such as those regarding lien avoidance, sale, abandonment or relief from stay, must adequately describe the subject property or interest.~~

Orders must also identify the related application, motion or other pleading. This should be done by reference to the title, date and/or docket number of such pleading.

~~With the adoption of electronic case filing "ECF", the inclusion of a "header" with the attorney's name, address, telephone number and other information was deemed unnecessary. Such information has already appeared of record on the related motion or stipulation. It was therefore deleted in favor of a notation of submission at the end of the order. There may be other requirements concerning preparation and submission of orders in electronic form, and the ECF Procedures should be consulted.~~

Attorneys should refer to the current ECF Procedures available on the court's website for further information about the submission of proposed orders.

LOCAL BANKRUPTCY RULE 9010.1
ATTORNEYS

(a) **Eligibility for Admission.**

- (1) Any attorney who has been admitted to practice in the Supreme Court of the State of Idaho (including one admitted by reciprocity) is eligible for admission to the bar of this court. Any attorney admitted to practice before the district court for the District of Idaho is admitted to the bar of the bankruptcy court without further process.
- (2) Each applicant for admission shall present to the clerk a written application stating the applicant's residence and office address and by what courts the applicant has been admitted to practice and the respective dates of admission to those courts. ~~The application shall be accompanied by a certificate of a member of the bar of this court, stating that such member knows the applicant and can affirm that the applicant is of good moral character.~~
- (3) Each applicant for admission shall pay to the clerk the requisite admission fee.

(b) **Practice in this Court.**

Only a member of the bar of this court may enter appearances for a party, sign stipulations or receive payment, or enter satisfactions of judgments, decrees, or orders.

(c) **Attorneys for the United States.**

An attorney, not admitted under this rule who is employed or retained by and representing the United States Government or any of its officers or agencies, may practice in this court in all actions and proceedings where the attorney is:

- (1) A member in good standing of and eligible to practice before the bar of any United States Court, or of the highest court of any state or insular possession of the United States and;
- (2) Who is of good moral character.

Attorneys permitted to practice in this court are subject to the jurisdiction of the court with respect to their conduct to the same extent as members of the bar of this court.

(d) **Admission *Pro Hac Vice*.**

- (1) Any member in good standing of the bar of any United States Court, or of the highest court of any state or any territory or insular possession of the United States, who is of good moral character and has been retained to appear in this court, and who is not admitted to the bar of this court, may be permitted, after written application and

without previous notice, to appear and participate in a particular case and related proceedings.

- (2) The attorney filing *pro hac vice* must (1) designate a member of the bar of this court as co-counsel with the authority to act as attorney of record for all purposes, and (2) file with such designation the address, telephone number, and written consent of such designee. Designated local counsel shall be responsible both for filing the *pro hac vice* application through ECF and for payment of the prescribed fee. The *pro hac vice* application ~~must shall~~ be presented to the clerk and ~~must shall~~ state under penalty of perjury: the attorney's residence and office addresses; ~~by~~ what court(s) the attorney has been admitted to practice and the date(s) of admission; that the attorney is in good standing and eligible to practice in said court(s); and, that the attorney is not currently suspended, ~~or~~ disbarred ~~or subject to any pending disciplinary proceedings~~ in any other court(s). ~~nor are any such proceedings currently pending. If any suspension, disbarment, or pending disciplinary proceedings are pending, the applicant shall disclose in sufficient detail those proceedings in the application.~~
 - (a) Upon the electronic filing of the *pro hac vice* application and payment of fees by designated local counsel in ECF, out-of-state counsel shall immediately register for ECF.
- (3) ~~Such applicant shall also designate, in the application to appear, a member of the bar of this court as local counsel. The applicant shall also file with such application the address, telephone number and written consent of such designee. Unless otherwise ordered, the designee shall personally appear with the attorney on all matters heard and tried before the court. Original proceedings may be filed by an attorney before admission *pro hac vice*, but the time for filing of any responsive pleading shall not begin to run until the appearance of associated local counsel is filed with the clerk.~~
- (4) All pleadings filed with the clerk of court must contain the names, addresses and signatures, as prescribed in the ECF Procedures, of the attorney appearing *pro hac vice* and associated local counsel.
- (4) ~~The application shall be accompanied by the requisite admission fee made payable to the clerk, together with a proposed order for the clerk's signature. (The form of *pro hac vice* application and proposed order can be viewed at www.id.uscourts.gov.)~~
- (5) For purposes of this rule, an appearance before this court does not include the preparation, signing, and filing by a creditor of:
 - (A) a proof of claim, or an amendment, withdrawal, or notice of assignment of such proof of claim,
 - (B) a stipulation for relief from the automatic stay,
 - (C) a reaffirmation agreement, or
 - (D) the filing of a request for service of documents.

(e) **Appearances.**

- (1) Only attorneys of this court may make appearances in this court, unless the party appears in propria persona. Whenever a party has appeared by an attorney, the party may not thereafter appear or act on their own behalf in the action, or take any steps therein unless a request for substitution or withdrawal, in accordance with this rule shall first have been made by that party and filed with the clerk. After notice to the attorney by that party, and to any opposing party, the court may, in its discretion, hear a party in open court notwithstanding the party has appeared or is represented by an attorney. When an attorney of record for any reason ceases to act for a party, such party should appoint another attorney or appear in person.
 - (i) At the discretion of the presiding judge, a legal intern who possesses a limited license issued by the Idaho State Bar may appear before the bankruptcy court in the presence of a supervising attorney, who shall be an attorney licensed to practice before this court.
- (2) Persons representing themselves without an attorney must appear personally for such purpose and may not delegate that duty to any other person. Any person so represented without an attorney is bound by these Local Rules, the Federal Rules of Bankruptcy Procedure, and by the Federal Rules of Civil Procedure. Failure to comply therewith may be grounds for dismissal or judgment by default. In exceptional circumstances, a judge may modify these provisions to serve the ends of justice.
- (3) Whenever a corporation, partnership or other entity desires or is required to make an appearance in this court, only an attorney of the bar of this court or an attorney permitted to practice under these rules shall make the appearance.
- (4) In all Oregon cases heard before this court, and in all proceedings related thereto, Oregon counsel not previously admitted to the bar of this court under subdivision (a) of this rule may appear for the debtor(s) or a creditor or party in interest without compliance with the requirements of *pro hac vice* admission as set forth in subdivision (d) of this rule.

(f) **Substitutions and Withdrawals.**

- (1) When an attorney of record for any person ceases to act for a party, the party shall appear in person or appoint another attorney by:
 - (A) A written substitution of attorney signed by the party, the attorney ceasing to act, and the newly appointed attorney or;
 - (B) By a written designation filed in the action and served upon the attorney ceasing to act.

If the attorney is deceased, the designation of a new attorney shall so state. Until the court approves such substitution, the authority of the attorney of record shall continue for all proper purposes.

- (2) No attorney of record for a party may withdraw from representation of that party without leave of the court, upon notice to the client, all parties in interest, and notice and hearing. Before an attorney is to be granted leave to withdraw, the attorney shall present to the court a proposed order permitting the attorney to withdraw and directing the party to appoint another attorney to appear, or to appear in person by filing a written notice with the court stating how the party will be represented, within twenty (20) days from the date the court enters the order authorizing withdrawal. After the court has entered such order, the withdrawing attorney shall forthwith and with due diligence, serve copies upon the party and all parties entitled to notice under the Federal Rule(s) of Procedures or these rules. The order shall provide that the withdrawing attorney shall continue to represent the party until proof of service of the withdrawal order on the party has been filed in the court.
- (3) Upon the entry of the order and the filing of proof of service on the party, no further proceedings can be had in the action that will affect the rights of the party represented by the withdrawing attorney for a period of twenty (20) days. If the party fails to appear in the action, either in person or through a newly appointed attorney within such twenty (20) day period, such failure shall be sufficient grounds for the entry of default against such party or dismissal of the action without further notice, which shall be stated in the order.
- (4) Anything in this subsection (f) notwithstanding, any incoming debtor's attorney, whether by substitution, by an appearance following an order permitting withdrawal of another attorney or otherwise, shall forthwith give notice of the appearance as attorney of record to all parties in interest and file a proof of service with the court.

(g) **Standards of Professional Responsibility.**

The members of the bar of this court shall adhere to the Rules of Professional Conduct promulgated and adopted by the Supreme Court of the State of Idaho. These provisions, however, shall not be interpreted to be exhaustive of the standards of professional conduct and responsibility. No attorney permitted to practice before this court shall engage in any conduct that degrades or impugns the integrity of the court or in any manner interferes with the administration of justice therein.

(h) **Attorney Discipline.**

Discipline will be governed by the provisions of D. Id. L. Civ. R. 83.5.

- (1) ~~Disbarment. When any member of the bar of this court has been disbarred or suspended from the practice of law by any court of competent jurisdiction, he or she shall have thirty (30) days within which to present compelling reason why he or she should not be disbarred or suspended by this court. Failure to present such reasons, or failure to notify this court of disbarment or suspension, shall result in disbarment or suspension from practice before this court.~~

~~(2) Discipline. In the event any attorney engages in conduct which may warrant discipline or other sanctions, a judge may, in addition to initiating proceedings for contempt under Fed. R. Bankr. P. 9020 or Title 18 of the United States Code or imposing other appropriate sanctions, refer the matter to the disciplinary body of any court before which the attorney has been admitted to practice.~~

(i) **Multiple Counsel.**

If more than one attorney represents a party, only one attorney shall examine or cross-examine a single witness and only one attorney shall argue the merits before the court, unless the court otherwise permits.

Related Authority:

Fed. R. Bankr. P. 9010, 9011, 9020

District Court of Idaho General Order Nos. 59 and ~~132~~ **185, D. Id. L. Civ. R. 83.4 and 83.5.**

Advisory Committee Notes:

The provision of (e)(4) is meant to continue current practice under which members of the bar of the District of Oregon may appear in those eastern Oregon bankruptcy cases and proceedings administered by this court through agreement with the U.S. Bankruptcy Court for the District of Oregon. Such counsel need not be admitted to practice *pro hac vice*, but the authority to appear is limited solely to the Oregon case and its related proceedings.

A form of *pro hac vice* application and order can be viewed at www.id.uscourts.gov.

LOCAL BANKRUPTCY RULE 9024.1
~~AMENDMENTS~~ CHANGES TO JUDGMENTS OR ORDERS

When a party seeks to ~~amend~~ correct a judgment or order of the court due to clerical mistakes and/or errors arising from oversight or omission, the request shall be made by filing a motion with the court. The motion must set forth the proposed changes, either in the motion or by attaching a red-lined copy of the judgment or order as an exhibit to the motion. A separate order containing the proposed changes shall be submitted in accord with LBR 9004.1.

Related Authority:

Fed. R. Bankr. P. 9013, 9024; Fed. R. Civ. P. 60(a)

Advisory Committee Notes:

Parties sometimes submit a proposed order that would amend a prior order without filing a motion or otherwise alerting the court as to the errors or inaccuracies in the prior order or identifying the need or reason for entering an amended order. The motion required by this rule should clearly identify the prior order (preferably by date and docket number) and specify the proposed changes. This allows the court to examine the proposed modification(s) and evaluate the propriety of entering an amended order. Generally, no hearing would be required if the motion identifies only clerical errors and parties in interest have received notice, or if affected parties have submitted a stipulation agreeing to the proposed changes or have endorsed the proposed order. However, when an objection is anticipated or filed, the hearing procedures of LBR 2002.2 should be followed.

Note that this rule is directed to motions made under Fed. R. Civ. P. 60(a), made applicable by Fed. R. Bankr. P. 9024. Requests for relief under the provisions of Fed. R. Civ. P. 60(b) are addressed under general motion practice.